

## REMARKS

In preparation of this Amendment it was noted that duplicate claims 25 and 26 were filed. Therefore, the claims subsequent to claim 26, first occurrence, have been renumbered. Basis for the amendments to claims 1, 22, and 32, former claim 30, may be found in original claim 2 with reference to polyurethane, and at page 6 line 9 of the specification with reference to the substrate.

Claims 1-10, 12 and 19-21 stand rejected under 35 USC 102 as being anticipated by applicants' statement of the prior art. The Examiner states that it appears from the applicants' specification that the claimed cross-linked copolymer is known material. Consequently, the claims are stated to read on a known compound. This rejection is respectfully traversed. The independent claims as now submitted relate to a dye image receiver sheet comprising a substrate and a cross-linked copolymer of polyester and urethane. The polyester is present in an amount of between 55 and 99% by weight of the polymer. This material is not disclosed in the statement of the prior art and therefore the claims are not anticipated by the statement of the prior art.

Claims 1-33 stand rejected under 35 USC 103 as being unpatentable over the patent to Taniguchi et al (734). The Examiner states that the experimental modifications of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. The Examiner notes that the examples in applicants' specification only compare cross-linked receiving layers with uncross-linked receiving layers. The Examiner states there are no comparisons of receiving layers having different amounts of polyester. This rejection is respectfully traversed.

The claims as now submitted are limited such that claimed image receiver comprises a substrate and a receiving layer comprising polyester and urethane with a particular amount of between 75 in 99% by weight of polyester specified. In contrast, Taniguchi in the portion cited by the Examiner at column 4 lines 53-61, lists a large group of polymers and then generally suggests that they may be copolymers or cross-linked resins of the resins listed. Taniguchi does not suggest cross-linking copolymers. There is no disclosure or suggestion to select

the copolymer combination of polyester and polyurethane much less in the amount of polyester listed and cross-linked in order to form an improved dye receiver sheet. There are literally dozens of choices of copolymers suggested by Taniguchi et al. It is not clear if the cross-linked materials suggested by Taniguchi even include the materials formed from these dozens of cross-linked choices. The applicant has claimed 1 selection from these dozens of choices in Taniguchi and as shown and at page 23 Table 1 of the specification the material selected provides superior performance. There is no disclosure or suggestion leading one of ordinary skill to form the claimed combination from the teachings in the cited reference. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

It is noted, in response to the Examiner's comments, that the Table 1 listing includes a polymer combination in the Control that is not a polyester polyurethane combination. The Table also shows that the amount of cross-linking is important.

Therefore, it is respectfully requested that the rejections under 35 USC 103 and 35 USC 102 be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,



Attorney for Applicant(s)  
Registration No. 26,664

Paul A. Leipold/rgd  
Rochester, NY 14650  
Telephone: 585-722-5023  
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.